

REMARKS

For the convenience of the Examiner, the pending claims are presented herein. Applicants acknowledge the rejections of the claims under 35 U.S.C. § 112. The rejection of Claim 2 is believed to be improper for at least the reasons set forth below. The rejections of Claims 6, 11 and 15 should be overcome by the proposed amendments herein below. Applicants will formally amend the claims to overcome the Section 112 rejections if the claims are otherwise indicated as allowable, or prior to or upon filing a Notice of Appeal. The prior art rejections are respectfully traversed. Favorable reconsideration of the pending claims is respectfully requested.

35 U.S.C. § 112

Claims 2, 6, 11 and 15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. With respect to the Examiner's Section 112 rejection to claim 2, Applicants respectfully submit that the objected phrase is perfectly clear. It may be separated into two parts. The first part "is projected to be" describes the lane in question, whereas the second part "when at the point of the target vehicle" describes the conditions for the projection of the position of the host vehicle. Thus, this claim recites an indicator which indicates whether or not the target vehicle is in a certain lane, the certain lane being that lane in which the host vehicle will be (according to the projection), where it has traveled as far as the target vehicle is currently away from the host vehicle. In view of the foregoing remarks, the claim meets the requirements of 35 U.S.C. § 112 and rejection of the claim on the basis of indefiniteness is improper.

With respect to Claim 6, Applicants propose an amendment to the claim as follows:

6. The apparatus of Claim [4] 5 in which the image processing unit is further configured to ~~perform a transformation algorithm, to convert an edge detect~~

pointing points in the image corresponding to lane markings and to convert the points corresponding to of lane boundaries from an image plane to the real world plane.

With respect to Claim 11, we propose amending Claim 11 by replacing the term "that" with "the path estimated by the vehicle path estimation apparatus."

Lastly, we propose the cancellation of Claim 15 without prejudice or disclaimer.

Applicants respectfully submit that the requirements of 35 U.S.C. § 112 would be met and the rejection of Claims 6, 11 and 15 on the basis of indefiniteness would be overcome by the proposed amendments to the claims, as set forth above.

35 U.S.C. § 102

Claims 1-23 are rejected under 35 U.S.C. § 102(b), as anticipated by U.S. Patent No. EP 0890470, to Sawamoto. This rejection is respectfully traversed.

Applicants maintain their position that the rejections of all of the claims as lacking novelty over Sawamoto (EP 0 890 470) is improper, as set forth in Applicants' previous filed response dated November 27, 2006. Applicants are not proposing to add anything further with respect to Section 5 of the Office Action, as the arguments set forth therein are merely repeated from the previous Office Action dated August 14, 2006. However, contrary to the final, incomplete sentence at the end of Section 5, Applicants have not admitted anything with respect to claims 2 to 23.

In respect to the Examiner's response to Applicants' arguments in Section 6, Applicants offer the following comments. Starting with the first paragraph of page 5 of the Office Action, the Examiner appears to be suggesting that, as the host vehicle follows the target vehicle in a lane, a prediction of the lane that the host vehicle will be in is made. However, this is not a prediction. A prediction requires some sort of computation or determination of a target lane, which is not present in Sawamoto.

Merely following a target vehicle is not the same as predicting that the vehicle will stay in the same lane. Claim 1 requires that a prediction is made. No prediction of a lane is made in Sawamoto.

With respect to the second paragraph of page 5, the Examiner appears to be confusing the projection of a path and the comparison of the path with the lanes at the appropriate distance. Claim 1 requires that the first data processing apparatus is configured to predict a target lane in which the host vehicle will be located when, it has traveled along the projected path by the distance to the target object. Sawamoto does have the vehicle path estimation apparatus which estimates a projected path for the host vehicle. However, the claim requires that the path be extrapolated by a distance equal to the distance to the target vehicle. A determination of the lane at that point must then be made. In Sawamoto, the path is projected ahead of the vehicle, but no comparison of the future path of the host vehicle is made to the detected lanes at any distance, let alone the distance claimed.

Indeed, the Examiner then goes on to consider this feature in the third paragraph of page 5. However, the Examiner does not appear to appreciate the importance of this phrase. Referring back to the section of the response to the previous Office Action referred to by the Examiner, Applicants referred to the processor of Sawamoto assuming that the host vehicle will travel in a new lane until another lane change is detected. What Applicants were trying to emphasize in this section of their arguments was that no prediction of the lane in which the host vehicle will be in is made; the only time that the processor in Sawamoto considers the lanes ahead of the vehicle occurs when a lane change is actually happening. By "will travel in this new lane", Applicants mean that no further prediction of the target lane is made until another lane change is detected. Applicants did not argue that all of the tenses in Sawamoto were in the present tense, only the relevant ones.

Claim 1 is therefore novel over Sawamoto as that Sawamoto lacks a first data processing apparatus arranged to predict a target lane in which the host vehicle will be located when it has traveled along the projected path by the distance to the target object. Since Sawamoto does not disclose the first data processing apparatus as claimed, it cannot be used to show that the claims lack novelty under 35 U.S.C. §102.

Applicants submit that all the claims are novel and inventive and so are allowable. In view of the foregoing remarks, it is believed that the Application is in condition for Allowance. Accordingly, an early Notice thereof is respectfully requested. However, if the Examiner feels that he is unable to issue a Notice of Allowance for any reason, Applicants request that the Examiner contact Applicants' attorney at 419.255.5900 (office) or 419.260.4657 (mobile) to discuss the application further.

Respectfully submitted,

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